

## FISCAL NOTE

### SB 2592 - HB 2637

February 22, 2004

**SUMMARY OF BILL:** Abolishes the *Tennessee Plan* for electing, appointing and evaluating appellate court judges and appointment of trial court judges. Provides for the popular election of appellate judges. The bill changes the three grand divisions in the state with respect to judicial elections, as follows:

- Bledsoe, Cumberland, Marion, Meigs, Morgan, Rhea, Roane, and Scott counties would move from the Eastern Division to the Middle Division;
- Dickson, Giles, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Montgomery, Perry, Stewart, and Wayne counties would move from the Middle Division to the Western Division.

Under current law, vacancies for appellate judgeships are filled by the governor who appoints a person from a list of three nominees selected by the Judicial Selection Commission. The Judicial Selection Commission also provides a list of three nominees to the Governor to fill vacancies due to death, resignation or otherwise of state trial judges until elections. The Judicial Evaluation Commission evaluates the performance of incumbent appellate court judges and makes recommendation either for retention or against retention. A yes/no retention question is placed on the ballot in the general election. If the recommendation is against retention, then open election occurs. The bill abolishes the Judicial Selection Commission and the Judicial Evaluation Commission. Abolishing the Judicial Selection Commission provisions eliminates all statutory authority regarding judicial appointments when vacancies occur due to death, resignation, or otherwise in all state courts, supreme, appellate, and trial.

### ESTIMATED FISCAL IMPACT:

#### Decrease State Expenditures - Net - Less than \$20,000

Estimate assumes:

- an annual amount expended for the operation of the Judicial Selection Commission. This amount will be eliminated.
- The Judicial Evaluation Commission will continue to function since judicial evaluation is independently required by *Supreme Court Rule 27*.
- a not significant increase in state expenditures for ballot modifications and redistribution of judicial resources due to realignment of counties in each grand division.

### CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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